IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

Writ Petition Nos. 22360 & 25151 of 1995, 22226 of 1996, 16045 of 1999, 4222, 6945, 17490, 19522 & 20026 of 2000, 17957 of 2001, 14564 of 2002 and 3278 of 2004

Writ Petition No.22360 of 1995:

Between:

V.B.Rajamannar,

S/o.Davanandam, aged about 47 years,

Placement Officer,

Training-cum-Production Centre,

A.P. Vikalangula Corporation,

Sambamurthynagar, Kakinada, E.G.Dist. **..... PETITIONER**

AND

A.P.Vikalangula Cooperative Corporation,

Rep. by its Managing Director,

Venkataraman Apartments,

A.C.Guards, Hyderabad. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus directing the respondent to grant the time scale of pay of Rs.2240-90=-2960-100-3860 (PRC 1986) to the petitioner from 21-11-1990 i.e., the date from which the above said scale is granted by the respondent in his Proc. No. High Court /6906 of 94/95-96/D-522 dated 30-8-1995 to the persons working in the lower cadre and who are juniors to the petitioner and to promote the petitioner to the post of Programme Director.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondent: MR. RAMANUJA CHARY

Writ Petition No : 25151 of 1995

Between:

1. SYED ISMAIL S/O SRI SYED MOHAMMED,
   PROGRAMME OFFICER,A.P. VIKALANULA

CO-OPERATIVE CORPORATION,
HYDERABAD.

2. M. GANGARAM, S/O SRI M. GANDIAH,
   OFFICE OF THE ASST. DIRECTOR,

WELFARE OF THE HANDICPPED,
MALLEPALLI, HYDERABAD.

3. SRI B. VENKATESWARLU

S/O. SRI THIRUPATAIAH,
C.R.O., C/O ASST. DIRECTOR,

WELFARE OF THE HANDICAPPED,
KARIMANAGAR.

4. M. RAMREDDY S/O SRI. LINGAREDDY,
   C.R.O C/O ASST. DIRECTOR,

WELFARE OF THE HANDICAPPED,
NALGONDA.

5. SRI V. SAMBASIVA RAO,

S/O SRI V. JANAKIRAMAIAH,
C.R.O. A.P, VIKALANGULA COORPORATION LTD., HYDERABAD.

6. S. RAMABRAHMAM, S/O SRI S. SOMAIAH,
   C.R.O. C/O ASST. DIRECTOR, WELFARE OF THE HANDICAPPED ,
   R.R.DIST. KHAIRATHABAD, HYD.
7. CH. SUDHAKAR S/O APPAIAH,

C.R.O. C/O DIST. MANAGER,

A.P. VIKALANGULA CO-OPERATION LTD.,
WARANGAL.

8. E.MAHENDER REDDY S/O SRI E.V. NARASIMHA REDDY,
C/O DIST . MANAGER, A.P.V.C.C. UBHASHNAGAR,
NIZAMABAD.
9. S. DARBAR BASHA S/O BASHA
OF HANDICAPPED WELFARE, CUDDDAPH.
10. Y. CHENCHU LAXMI D/O SRI LAXMAIAH
C/O DIST. MANGER, A.P.V.C.C.
GUNTUR **..... PETITIONERS**

AND

1. THE MANAGING DIRECTOR,

A.P. VIKALANGULA CO-OPERATIVE CORPORATION,
11-4-6-34 ,B-BLOCK, VEKATARAMANA APARTMENTS,
A.C.GUARDS, HYDERABAD.

2. SRI A. YADAV REDDY S/O NOT KNOWN,
GENERAL MANAGER, OFFICE OF MANAGING DIRECTOR,

APVCC LTD., A.C. GUARDS, HYDERABAD.

3. SRI CH. RAMAKRISHNA S/O NOT KNOWN,
PROGRAMME DIRECTOR, OFFICE OF MANAGING DIRECTOR,

A.P.V.C.C. LTD., A.C. GUARDS, HYDERABAD.

4. SRI M. VENKATESWERA RAO S/O not known,
C.R.O. OFFICE OF DIST. MANAGER, A.P.V.C.C. LTD.,
KAKINADA.
5. SRI D. SRINIVASA RAO S/O
C.R.O. OFFICE OF DIST.MANAGER, A.P.V.C.C.LTD.,
A.C.GUARDS, HYDERABAD.
6. SRI K. JOSEPH RAJA S/O
C.R.O., OFFICE OF MANAGING DIRECTOR, A.P.V.C.C. LTD.,
A.C.GUARDS, HYDERABAD. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a writ in the nature of a writ of mandamus declaring the action of the first respondent-corporation in not promoting the petitioners as Programme Director along with respondents 2 to 6 as arbitrary and illegal and consequently direct the respondent corporation to promote the petitioners as Programme Directors in the respondent corporation on part with the respondents 2 to 6.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondent No.1: G.SHANKAR (SC FOR A.P.V.C.C)

Counsel for Respondents 2 to 6: None appeared

WRIT PETITION NO : 22226 of 1996

Between:

G. Subba Laxmi, w/o. late Venkanna,
A.P.Vikalangula Co-op Corporation, R.C.D.Hospital Premises,
Chinna Waltair, Vishakapatnam. **..... PETITIONER**

AND

1. The Managing Director,
   A.P. Vikalangula Co-op Corporation, A/C Guards,
   Hyderabad - 4.
2. The Project Officer,
   Training-cum-Production Centre, A.P. Vikalangula Co-op Corporation,
   bakkanapalem, Vishakapatnam. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature at writ of mandamus to declare the action of the respondents herein in not regularising the services even after putting nearly 10 years of Service as a consolidated pay even after issuing clear orders by the Government in G.O.Ms.No 212 dated 22-4-1994, and also regularising the services of the far juniors of the petitioner by ignoring her candidature is highly illegal, irregular, contrary to the principles of natural, justice, equity and fair play and direct the respondents herein to regularise the services of the petitioner as Sweeper/Attender or in any last grade post as per Government orders in G.O.Ms.No.212 dated 22-4-1994 by granting all the consequential monetary benefits including seniority etc.,

Counsel for the Petitioner: MR.CH.GANESH

Counsel for the Respondents: G.SHANKAR (SC FOR A.P.V.C.C)

WRIT PETITION NO : 16045 of 1999

Between:

V.B.Rajamannar, S/o. Devanandam.

Tranining-cum-Production Centre, A.P.V.C.C.,
Kakinada. **..... PETITIONER**

AND

1. The A.P.Vikalangula Co-op., Corporation, Rep. Managing Director
   B.R.K.R.Bhavan, Ground Floor,
   Hyderabad.
2. The Project Officer, Training-cum-production centre,
   A.P.V.C.C., Kakinda,
   East Godavari district **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not calculating and paying the arrears of salary due to the petitioner in the scale of pay of Rs.2240-90-2960-100-3860(PRC1986) from 21/11/1990 though the scale is fixed w.e.f. 21/11/1990 while paying the same to others who are juniors to the petitioners as illegal, arbitrary and violative of Articles 14 & 16 of Constitution of India and consequently direct the respondents to pay the arrears of salary forthwith.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: MR.K.RAMANUJA CHARY

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WRIT PETITION NO : 4222 of 2000

Between:

Smt.Paladugu Kanaka Durga Wo.Late P.Venkata Pitchaiah
R/o. Azit Singh Nagar, Vijayawada. **..... PETITIONER**

AND

A.P.Vikalangula Cooperative Corporation

Rep.by its Managing Director
B.R.K.R.Bhavan, Tankbund Road,
Hyderabad. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ or order or orders more particularly in the nature of writ of mandamus directing the respondent herein to pay death benefits of late P.Venkata Pitchaiah, Helper office of TCPC Vijayawada to the petitioner forthwith.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.K.RAMANUJA CHARI

WRIT PETITION NO : 6945 of 2000

Between:

Peddaramayya gari Latha W/o.P.Venkata Ramaiah,
Near Gmt Girls High School, Malakpet, Hyderabad. **..... PETITIONER**

AND

A.P.Vikalangula Co.operative Corporation

Rep. by its Managing Director,
BRKR Bhavan Hyderabad. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any order or writ more particularly in the nature of Writ of Mandamus declaring the in action of the respondent corporation in considering the case of the petitioner for an appointment of suitable post on compassionate ground and consequently direct the respondent to appoint the petitioner for any suitable post on compassionate grounds and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.K.RAMANUJA CHARI

WRIT PETITION NO : 17490 of 2000

Between:

1. K.Mohana Rao S/o.Ramarao
   Working at Training-cum-Production Centre,

A.P. Vikalangula Co-operative Corporation,
   Etcherla, Srikakulam District.
2. G.Jaggu Naidu S/o.Paiditalli Naidu,
   Working at Training-cum-Production Centre,

A.P. Vikalangula Co-operative Corporation,
   Etcherla, Srikakulam District.
3. P.Babu Rao S/o.Sugrivulu Naidu,
   Working at Training-cum-Production Centre,

A.P. Vikalangula Co-operative Corporation,
   Etcherla, Srikakulam District.
4. M.Prasada Rao S/o.Sanyasi Appadu
   Working at Training-cum-Production Centre,

A.P. Vikalangula Co-operative Corporation,
   Etcherla, Srikakulam District. **..... PETITIONERS**

AND

1. The Managing Director, A.P. Vikalangula Co-operative Corporation,
   Ground Floor, B.R.K.R. Buildings, Tank Bund Road,
   Hyderabad.
2. The Project Officer, Training-cum-Production Centre,
   A.P.V.C.C., Etcherla,
   Srikakulam District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus, declaring the order of the 1st Respondent in Proc.Rc.No.E1/12276/96/Court/D-127, dt.20-3-1997 as illegal, arbitrary and discriminatory and against the ratio laid down by this Hon'ble Court and consequently direct the respondents to regularise the services of the petitioners in their respective posts, from the dates they have completed 5 years of service with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.SUDHAKAR REDDY

Counsel for the Respondents : MR.K.RAMANUJA CHARI

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WRIT PETITION NO : 19522 of 2000

Between:

1. B.Laxmanudu S/o.Venkata Ratnam
   Working in TCPC, Kakinada,
   East Godavari District.
2. D.V.S.Nagabhushana Rao S/o.Adiyya
   Working in TCPC, Kakinada,
   East Godavari District.
3. V.Krishna Murthy S/o.late V.S.Rayudu
   Working in TCPC, Etcherla,
   Srikakulam District. **..... PETITIONERS**

AND

1. The A.P. Vikalangula Co-operative Corporation,

Rep. by its Managing Director,
Ground Floor, BRKR Buildings,
Tank Bund Road, Hyderabad.

2. The Project Officer, T.C.P.C. A.P. Vikalangula Co-operative

Corporation
Sambamurthy Nagar, Kakinada.

3. The Project Officer, T.C.P.C. A.P. Vikalangula Co-operative

Corporation
Etcherla, Sikakulam District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in not regularising the services of the petitioners from the date of their initial appointment in their respective posts and not granting the pay scales from those dates while regularising the services of Mr.K.Tamminaidu, Junior

Assistant from the date of his intial appointment as illegal, arbitrary, discriminatory and violative of Art. 14, 16 and 39(b) of the Constitution of India and consequently direct the respondents herein to regularise the services of all the petitioners from the date of their initial appointment on par with Mr. K.Tamminaidu with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: MR.K.RAMANUJA CHARI

WRIT PETITION NO : 20026 of 2000

Between:

1. Y.Hanumantha Reddy, S/o.Vemula Reddy,
   Working in Training-cum-Production Centre, A.P.V.C.C.,
   Anantapur.
2. G.Venkata Reddy, S/o.G.Narayana Reddy,
   Working in Training-cum-Production Centre, A.P.V.C.C.,
   Anantapur. **..... PETITIONERS**

AND

1. A.P.Vikalangula Cooperative Corporation,

Rep. by its Managing Director,
BRKR Buildings, Tankbund Road,
Hyderabad.

2. Project Officer, Training-cum-Production Centre,
   A.P.Vikalangula Cooperative Corporation, Industrial Estate,
   Ballary Road, Anantapur-4. **....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not regularising the services of the Petitioners in their respective posts from the dates of their initial appointments and not granting the Pay Scales from the said dates, on par with Mr.K.Thammi Naidu (Petitioner in W.P.No.1406/93) as illegal, arbitrary, violative of Articles 14 and 16 of the Constitution of India and consequently direct the Respondents to regularise the services of the Petitioners from the dates of their initial appointments on par with Mr.K.Thammi Naidu and fix their pay from the said dates with all consequential benefits, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case.

Counsel for the Petitioners: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: MR.K.RAMANUJA CHARY

WRIT PETITION NO : 17957 of 2001

Between:

Bhandary Swamy,

S/o.Late B.Lakshmaiah,

Aged about 53 years,

Residing At 8-3-392/1, Ellareddyguda,

HYDERABAD – 500 873 **..... PETITIONER**

AND

1. The Government of Andhra Pradesh,

Rep. by it's Principal Secretary,

Women Development Child Welfare & Disabled Welfare (DW) Dept,

Secretariat Buildings, Hyderabad.

2. Andhra Pradesh Vikalangula Coooperative Corporation,

Represented by it's Managing Director,

B.R.K.R. Bhavan, Ground floor,

Saifabad, Hyderabad – 500 004 **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order, direction more particularly in the nature of Writ of Mandamus declaring the GO Rt. No.285 dt.6-7-99 issued by the Principal Secretary, Women Development Child Welfare (DW) Department, Government of Andhra Pradesh is arbitrary, illegal without having any authority capricious contrary to the service conditions of employees of the 2nd respondent and quash the same including all proceedings of the Inquiry Officer and consequently directing the 2nd respondent herein to conduct enquiry according to it's Bye Laws and service conditions.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for Respondent No.1: G.P. Women Dev & Child Welfare & Disabled Welfare (DW)

Counsel for the Respondent No.2: Mr.K.RAMANUJA CHARI

WRIT PETITION NO : 14564 of 2002

Between:

T.Harikishen Singh,

S/o.Late Sri T.Ratan Singh,

Aged 49 years, Occ: Project Officer,

Office of the A.P.Vikalangula Co.Op.

Corporation, BRKR Bhavan, Ground Floor,

Secretariat Road, Hyderabad. **..... PETITIONER**

AND

1. Andhra Pradesh Vikalangula Coooperative Corporation,

Represented by it's Managing Director,

B.R.K.R. Bhavan, Ground floor,

Secretariat Road, Hyderabad – 500 063

2. The Government of Andhra Pradesh,

Rep. by it's Principal Secretary,

(Ex-Officio Person Incharge,

Board of Directors of A.P. Vikalangula-

Co-Operative Corporation)

WDCW & DW Department,

Secretariat, Hyderabad **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or issue a Writ particularly one in the nature of Writ of Mandamus to declaring that the proceedings No.Estt/A1/2002/D-3523 dated 20-7-2002 passed by the first respondent reducing the scale of pay on the petitioner from Rs.1980/- - 3500/- to 1550/- - 3050/- after a period of 12 years, as illegal and consequently to set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.G.RAVINDER REDDY

Counsel for the Respondent No.1: MR. K.RAMANUJA CHARI.

Counsel for Respondent No.2: G.P.for Women Development & Child Welfare

WRIT PETITION NO : 3278 of 2004

Between:

Rajender Singh Rana, s/o Rana Hem Singh,
R/o 19-5-21 and 22, Bahadurpura Post, Hyderabad-264. **..... PETITIONER**

AND

1. Govt. of A.P., rep. by its Principal Secretary,

Women Development & Child Welfare Dept,
A.P. Secretariat, Hyderabad.
2. Managing Director, A.P. Vikalangula Co-op Corporation,

A.C. Guards, Hyderabad.
3. The Project Director, Training-cum-Production Centre

for Physically Handicapped
A.P. Vikalangula Co-op. Corporation,

Malakpet X Road, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents with holding the VRS benefits is arbitrary, illegal, unconstitutional and violation of Article 14 and 21 of the Constitution of India and consequently direct the respondents to calculate petitioner VRS benefits applying PRC 1993 with interest @ 24% per annum in pursuance of representation dt.20.11.2000.

Counsel for the Petitioner: MR.B.MALLIKARJUNAPPA

Counsel for the Respondent No.1: GP FOR WOMEN DEV. & CHILD WELFARE

Counsel for the Respondent Nos.2 & 3: MR.K.RAMANUJA CHARI

The Court made the following:

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.Nos.22360 & 25151 of 1995, 22226 of 1996, 16045 of 1999, 4222, 6945, 17490, 19522 & 20026 of 2000, 17957 of 2001, 14564 of 2002 and 3278 of 2004

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COMMON ORDER:

In these writ petitions, the petitioners are seeking fixation of pay scales, promotion, regularization of service, compassionate appointment etc., and also challenging the order of appointment of Enquiry Officer etc., passed by the Andhra Pradesh Vikalangula Cooperative Corporation.

Similar writ petitions were dismissed by this Court by a common Judgment dated 29-10-2004 in W.P.No.21643 of 2000 and batch. Following the same, these writ petitions are liable to be dismissed as not maintainable, since they seek judicial review of the service conditions, which are in the realm of pure contract made under bye-laws, which have no statutory force or flavour. Further, petitioners have effective and efficacious alternative remedy by way of approaching the authorities under the Cooperative Societies Act to work out their remedies.

Accordingly, the writ petitions are dismissed. The petitioners are at liberty to approach the authorities under the A.P. Cooperative Societies Act for redressal of their grievances, if they are so advised. There shall be no order as to costs.

November 05, 2004

prk

To

1. The Managing Director, A.P.Vikalangula Cooperative

   Corporation, Venkataraman Apartments, 11-4-634, B-Block, A.C.Guards, Hyderabad.

2. The General Manager, Office of Managing Director, APVCC Ltd., A.C.Guards, Hyderabad.

3. The Programme Director, Office of Managing Director, APVCC Ltd., A.C.Guards, Hyderabad.

4. The C.R.O., Office of the District Manager, APVCC Ltd., Kakinada, east Godavari district.

5. The C.R.O., Office of the District Manager, APVCC Ltd., Ongole.

6. The C.R.O., Office of the Managing Director, APVCC Ltd., A.C. Guards, Hyderabad.

7. Project Officer, Training-cum-Production Centre, A.P.Vikalangula Cooperative Corporation, Bakkanapalem, Visakhapatnam.

8. The Project officer, Training-cum-Production Centre, A.P.Vikalangula Cooperative Corporation,Kakinada, East Godavari district.

9. The Project Officer, Training-cum-Production Centre, A.P.Vikalangula Cooperative Corporation, Etcherla, Srikakulam district.

10.The Project Officer, T.C.P.C., A.P.Vikalangula Cooperative Corporation, Sambamurthy Nagar, Kakinada.

11. The Project Officer, Training-cum-Production Centre, A.P.Vikalangula Cooperative Corporation,Industrial Estate, Ballary Road, Anantapur-4.

12. The Principal Secretary, Govt.of A.P., Women Development, Child welfare & Disabled Welfare (DW) Department, Secretariat Buildings, Hyderabad.

13. The Project Director, Training-cum-Production Centre for Physically Handicapped, A.P.Vikalangula Coop.Corporation, Malakpet X Road, Hyderabad.

14. Two CCs to Govt.Pleader for Women Development & Child Welfare, High Court of A.P., Hyderabad (OUT)

15. Two CD copies.